
Appeal Decision

Site visit made on 28 February 2017

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 April 2017

Appeal Ref: APP/U1105/W/16/3160503

Land opposite 7 Copseclose Lane, Cranbrook, Exeter, Devon EX5 7AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andy West of Persimmon Homes South West against the decision of East Devon District Council.
 - The application Ref 16/0655/FUL, dated 11 March 2016, was refused by notice dated 7 June 2016.
 - The development is described as a "retrospective application for the retention of a parking space on land opposite 7 Copseclose Lane, Cranbrook".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development the act of development in this appeal is the construction of a parking space. The parking space is already in place.

Main Issues

3. The first main issue is the effect upon the character and appearance of the area. The second is the effect of the development with respect to biodiversity. The third main issue is the effect of the development on surface water drainage.

Reasons

Character and appearance

4. The appeal site adjoins the carriageway of Copseclose Lane which includes tight-knit dwellings on one side which face towards the children's play park on the opposite side of that road. A grass verge runs along one side of the carriageway of the road and a hedgerow defines the boundary between the verge and the play park. The development subject of the appeal is a parking space in the form of a layby large enough for the parking of a single vehicle. This has been constructed within the grass verge and alongside the hedgerow. The parking space is intended for the use of the nearby neighbour at No 7 Copseclose Lane.
 5. The nearby hedgerow provides a strong boundary feature between the play park and the road. It includes vegetation along the top of an earth bank. The
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hedgerow has been cut-through to allow access to the development of the nearby school and car-park. It is a remnant of previous field boundaries prior to the construction of Cranbrook which is a new settlement. This and the network of other hedgerows also provide internal buffers breaking up and softening the impact of the new development.

6. The Cranbrook Strategic Design Guidance (July 2010) and the Landscape, Biodiversity and Drainage Strategy (September 2010) were prepared in order to inform the landscaping and design principles as well as some technical aspects of the development of the settlement at application stage. These documents are not supplementary planning documents as defined within the National Planning Policy Framework (the Framework). However they have helped me to understand the context of the development. The hedgerow and the newly constructed verge are distinctive features of landscape value that make a positive contribution to the street-scene and have helped the settlement integrate within its setting. The East Devon Local Plan¹ (LP) Policies D1 and D2 refer to the importance of such features.
7. The development has encroached into the grass verge immediately adjacent to the edge of the carriageway of the road. The kerb around the parking area can be seen as can the black tarmac surface. This is alongside the road which is surfaced in a similar material. The development is also close to the junction of the access leading into the nearby car-park. The hard-surface at the junction and the textured paving where a footpath crosses the access extends down close to the grass verge. The development is close to railings around the play park and a lighting column within the verge as well as being next to the splayed entrance to the car-park. From the road, the development is seen in this urban context, does not interrupt views of the hedgerow and makes a minor impact upon the visual continuity of the grass verge.
8. Without a vehicle parked on it, the development therefore has a minor impact upon the street-scene. However the visual impact with a vehicle parked on the parking area would be much greater. A vehicle in this location would interrupt views of the hedgerow, would be visually intrusive within the street-scene and would also interrupt the continuity of the grass verge particularly when viewing from the south and west. These features currently soften the street-scene along this part of Copseclose Lane and this development when used for parking would harm their landscape value and contributions towards local distinctiveness.
9. There are no formally laid-out parking spaces or restrictions along Copseclose Lane. There is nothing to stop vehicles being parked alongside the grass verge. However providing a formal space is likely to make parking in that location a regular occurrence. Vehicles parked on the new, formal parking space would have a greater impact on views of the hedge than vehicles parked within the road. Use of the parking space would cause a more permanent visual interruption of the grass verge.
10. The construction of the parking space may have caused some damage to root systems of the vegetation within the hedgerow if present beneath the surface of that part of the grass verge. That harm cannot be undone. However I have no detailed expert analysis of the significance of any harm due to these impacts or due to any increased use of the verge by people getting in and out

¹ East Devon Local Plan 2013 to 2031, adopted 28 January 2016

of a vehicle. I have no expert evidence either in relation to any harm that would be caused by removing the development and re-instating the verge.

11. The appellant has provided a tree planting specification for the hedgerow and for the planting of a Field Maple close to the west of the development. This refers to the hedgerow as being derelict. It is not clear why the existing controls could not secure the ongoing landscape value of that part of the hedgerow. The enforcement of such matters is not directly related to this appeal and I do not consider that the planting proposed would overcome my concerns about the development.
12. I therefore consider that the development when used for parking of a vehicle would have a materially adverse visual impact upon the street-scene in this part of Copseclose Lane. In relation to the first main issue, the development has a harmful impact upon the character and appearance of the area. This does not comply with LP Policies D1 and D2 and LP Strategies 46 and 48. This would also undermine the advice within paragraph 58 of the Framework which requires planning policies and decisions to establish a strong sense of place.

Biodiversity

13. The Council has referred to the hedgerow close to the appeal site being of moderately high to high value and therefore of conservation priority. It is part of a wider bio-diversity and habitat matrix. However, as I explain above I have no evidence to convince me that the development or its use for parking of a vehicle will have a physical adverse impact upon the hedgerow. Increased activity on the grass verge due to the parking of a single vehicle is not likely to be significant in a location that is close to footpaths and which can already be walked upon. I have no evidence to suggest that the development would result in the loss of or damage to the nature conservation value of the hedgerow or the area alongside it.
14. The development would not have a harmful impact upon biodiversity. The proposal therefore complies with LP Policy EN5 and LP strategy 47.

Surface water

15. The development covers an area of around 18m². It is an impermeable surface as is the nearby road. This area had previously been a grass verge which would have been more permeable than the hard-surface now in place. The development will result in some more surface water that will not be able to permeate through into the ground. The Council confirms that the run-off from this size of area would not be significant in terms of the attenuation ponds as part of the sustainable drainage system provided in phase 1 of the development.
16. I have not been provided with any expert evidence regarding the way in which surface water will drain from this small area. It seems to me that depending upon the intensity of rainfall, water may sit on the surface and will eventually evaporate or it will run-off onto the road or a combination of both. The cross section drawing does show a slight slope and so anything more than a light shower could result in water running onto the road.
17. I noted the position of a drain within the road, close to the development and the access to the nearby car park. There are no details of land levels between the site and this or other highway drains. However surface water not

contained within the layby will run towards highway drains along with other surface water from the road. There is no evidence to indicate that additional water from the parking area will cause water to back-up in the road or cause a capacity issues within the drains leading to the attenuation ponds. This development is unlikely to have significant additional surface water run-off implications.

18. In relation to this main issue, the development will not have a harmful effect of the on surface water run-off within the area. The development complies with LP Policy EN22.

Other Matters

19. The Council has referred to the parking strategy for Cranbrook with a main design objective being a public transport oriented development supporting a modal shift away from private vehicle use. I have no evidence however that a single additional parking space will make a significant difference to transport choices of residents or visitors. I recognise that the resident of No 7 is not satisfied with the parking area provided with that dwelling however this is a personal consideration which I consider merits only limited weight.
20. I consider that the development is not harmful in relation to the second and third main issues or these other matters. However this does not outweigh my conclusion in relation to the first main issue.

Conclusion

21. For the reasons given above and having regard to all other matters raised, on balance I conclude that the appeal should be dismissed.

A Harwood

INSPECTOR